

FORCED MARRIAGE

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1. DEFINITION

There is a clear difference between a forced marriage and an arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage but the choice of whether or not to accept the arrangement remains with the young people.

In a forced marriage, one or both spouses do not consent to the arrangement of the marriage and some elements of duress are involved. Duress can include physical, psychological, financial, sexual and emotional pressure. Forced marriage is an abuse of human rights and, where a child is involved, an abuse of the rights of the child. The child may believe that it is an arranged marriage as they may not comprehend the difference between the two.

Forced marriage involving anyone under the age of 18 constitutes a form of child abuse. A child who is forced into marriage is likely to suffer Significant Harm through Physical, Sexual or Emotional Abuse. Forced marriage can have a negative impact on a child's health and development and can also result in sexual violence including rape. If a child is forced to marry, he or she may be taken abroad for an extended period of time which could amount to child abduction. In addition, a child in such a situation would be absent from school resulting in the loss of educational opportunities, and possibly also future employment opportunities. Even if the child is not taken abroad, they are likely to be taken out of school so as to ensure that they do not talk about their situation with their peers. Forced marriage became a criminal offence in the UK in 2014 (Anti-Social Crime and Policing Act 2014)

2. RISKS

One serious consequence of forced marriage is the increased likelihood of Domestic Violence and Abuse and Sexual Abuse. Anyone forced into marriage faces an increased risk of rape and sexual abuse as they may not consent or may not be the legal age or have the capacity to consent to a sexual relationship. This in turn may result in unwanted pregnancies or enforced abortions.

This risk may also increase the likelihood of emotional harm leading to mental health issues.

Children may also be deprived of the normal range of opportunities and experiences available to their peers when they are pressurised into marriage against their will for example, attending school.

It is important to consider that the pressure put on people to marry against their will may be:

- Physical – for example, threats, physical violence or sexual violence
- Emotional and psychological – for example, making someone feel like they are bringing 'shame' on their family

Financial abuse, for example taking someone's wages, may also be a factor.

There is also a risk of honour- based violence if the child refuses the marriage.

3. INDICATORS

Warning signs that a child or young person may be at risk of forced marriage or may have been forced to marry may include:

- Extended absences from school/college, truancy, drop in performance, low motivation, excessive parental restriction and control of movements and history of siblings leaving education early to marry (see Children Missing from Home and Care).
- A child talking about an upcoming family holiday that they are worried about, fears that they will be taken out of education and kept abroad.
- Evidence of self-harm, treatment for depression, attempted suicide, social isolation, eating disorders or substance abuse.
- Evidence of family disputes/conflict, domestic violence/abuse or running away from home
- Unreasonable restrictions such as being kept at home by their parents ('house arrest') or being unable to complete their education.
- A child going missing/running away.
- A child always being accompanied including to school and doctors' appointments.
- child directly disclosing that they are worried s/he will be forced to marry.

4. LEGAL POSITION

Anyone threatened with forced marriage or forced to marry against their will can apply for a Forced Marriage Protection Order. Third parties, such as relatives, friends, voluntary workers and police officers can also apply for a protection order with the leave of the court. Fifteen county courts deal with applications and make orders to prevent forced marriages. Local authorities can seek a protection order for Adults at Risk and children without leave of the court. Guidance published by the Ministry of Justice explains how local authorities can apply for protection orders and provides information for other agencies. (Available on the Justice website)

The Anti-social Behaviour, Crime and Policing Act 2014 made it a criminal offence, with effect from 16 June 2014, to force someone to marry. This includes:

- Taking someone overseas to force them to marry (whether or not the forced marriage takes place).
- Marrying someone who lacks the mental capacity to consent to the marriage (whether they're pressured to or not).

Breaching a Forced Marriage Protection Order is also now a criminal offence. The civil remedy of obtaining a Forced Marriage Protection Order through the family courts, as set out above, continues to exist alongside the criminal offence, so victims can choose how they wish to be assisted.

Forcing someone to marry can result in a sentence of up to 7 years in prison.

Failing to comply with a Forced Marriage Protection Order can result in a sentence of up to 5 years in prison.

5. PROTECTION AND ACTION TO BE TAKEN

Where the concerns about the welfare and safety of the child or young person are such that a referral to Children's social care should be made the Referrals Procedure must be followed.

Practitioners should always consider the need for immediate protection, as disclosure of the forced marriage may be the direct consequence of the impending event. Children's Social Care will liaise with the police to ensure the safety of the victim and any other family members.

NORTH EAST LINCOLNSHIRE SAFEGUARDING CHILDREN PARTNERSHIP

A Strategy Discussion/Meeting will be needed to deal with this issue; the Police, Housing Services, Children's social care, Health and voluntary organisations must work together to address the young person's need for information, protection, financial support, accommodation and emotional support. Legal advice will be needed to inform the Strategy Discussion as legal action may be necessary.

Any child considered to be at risk of a forced marriage will be considered a child in need and assessed accordingly. Where an Initial Child Protection Conference is convened, great care must be taken to manage information about the whereabouts of the young person. All information and discussions must be managed on a need to know basis to ensure there are no either intentional or un-intentional leaking of strategy to the family/community. The social worker and his/her manager must discuss the arrangements with the Conference Chair and consider whether the family should be present or not, or at the same time as the young person, as threats may be made. An interpreter fully independent of the family should be present at all times if required.

In incidences where the individual is moved to a safe area, it is recommended that address changes on electronic records should be anonymised for the safety of that individual with identified appropriate designated professionals to hold that information.

6. ISSUES

Plans and arrangements to force a child to marry will inevitably involve the family and/or local community. Professionals must not automatically involve the family or community in the management of the risk.

Children may require support from workers of the same gender. Any consideration of the worker being from the same background needs to be considered on a case by case basis as this can be a barrier to engaging with the child. Where interpreters are used, care must be taken to ensure that they have no connections with the immediate community of the child.

A child arriving in this country for the purposes of a forced marriage or one who has recently married abroad may be extremely isolated and feel threatened and abused. The legal right to remain may be in question and the consequences of returning home may also be very serious.

Professionals should not:

- Minimise the potential risk of harm.
- Approach or inform the child's family, friends or members of the community that the victim has sought help as this is likely to increase the risk to the victim significantly.
- Share information outside child protection information-sharing protocols without the express consent of the child.
- Attempt to be a mediator. This has in the past resulted in the victim being removed from the country and not traced /or murdered.

7. FURTHER INFORMATION

Forced Marriage Unit

Home Office Forced Marriage Website -information and practice guidelines for professionals protecting, advising and supporting victims.

The Right to Choose: Multi-agency statutory guidance for dealing with forced marriage

Karma Nirvana – Supporting victims of honour-based abuse and forced marriage

Children's Legal Centre